



07 JUN 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

LICATLA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON, NJ 08053

In re Application of DEAN :
U.S. Application No.: 10/019,368 :
PCT Application No.: PCT/US00/13170 :
Int. Filing Date: 11 May 2000 : DECISION
Priority Date Claimed: 18 May 1999 :
Attorney Docket No.: ISPH-0609 :
For: ANTISENSE OLIGONUCLEOTIDE :
MODULATION OF HUMAN PROTEIN :
KINASE C-DELTA EXPRESSION :
:

This is in response to applicant's "Reply to Notification of Abandonment" filed 03 November 2004, which is being treated as a petition under 37 CFR 1.181. No petition fee is due..

BACKGROUND

On 11 May 2000, applicant filed international application PCT/US00/13170, which claimed priority of an earlier United States application filed 18 May 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 04 December 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 18 November 2001.

On 13 November 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 07 February 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 05 April 2002, applicant filed an executed declaration.

On 20 October 2004, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 03 November 2004, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the declaration filed 05 April 2002 is present. Thus, the Notification of Abandonment was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment mailed 20 October 2004 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 11 May 2000, and a date under 35 U.S.C. 371(c) of 05 April 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459